

FILED

JUN 07 2022

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY mib DEP CLK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:18-cr-00340-D
No. 5:22-cv-00066-D

UNITED STATES OF AMERICA,)
)
Respondent,)
v.)
)
ELBERT TOJUAN MCNEIL)
)
Petitioner.)

**MOTION FOR EXTENSION OF TIME TO REPLY TO UNITED STATES' RESPONSE
IN OPPOSITION TO DISMISS PETITIONER'S § 2255 MOTION**

COMES Defendant, Elbert T. McNeil("McNeil"), appearing *pro se*, and files his Motion for Extension of Time to Reply to United States' Response in Opposition to Defendant's Motion Dismiss Petitioner's § 2255 Motion, and would show as follows:

PRELIMINARY STATEMENT

As a preliminary matter, McNeill respectfully requests that this Court be mindful that *pro se* complaints are to be held "to less stringent standards than formal pleadings drafted by lawyers," and should therefore be liberally construed. See *Clark v. Cartledge*, 829 F.3d 303 (4th Cir. 2016); *Estelle v. Gamble*, 429 U.S. 97 (1976) (same); and *Haines v. Kerner*, 404 U.S. 519 (1972) (same).

REASON FOR EXTENSION

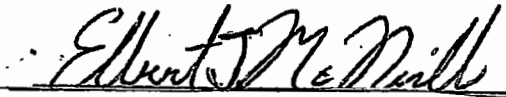
The fifteen (15) page United States' Response in Opposition to Defendant's Motion To Dismiss Petitioner's § 2255 ("USR") was just received by McNeil through the prison mail. Because

of the Covid/Delta Virus pandemic the compound at FCI Bennettsville has had limited movement and very limited access to the prison law library. As such, McNeil needs to research, prepare and perfect his Reply to the USR. Therefore, he seeks a twenty-nine (29) day extension of time, up to and including June 30, 2022, to complete his Reply.

WHEREFORE, premise considered, McNeil prays that the Court grant this motion and extend his deadline for filing his Reply, up to and including June 30, 2022.

Respectfully submitted,

Dated: June 2, 2022


ELBERT TOJUAN MCNEILL
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CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2022, I mailed a true and correct copy of the above and foregoing Motion for Extension of Time to Reply to United States' Response in Opposition to Defendant's Motion To Dismiss Petitioner's § 2255 Motion, postage prepaid, to John P. Newby, Jr., Assistant United States Attorney, 150 Fayetteville Street, Suite 2100, Raleigh, NC 27601.


ELBERT TOJUAN MCNEIL